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July 8, 2004

Herb Thiele
Leon County Attorney
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Dear Herb:

I represent James and Linda Mills, Preston and Kerri Foster and Siwo and Dianne deKloet, all of whom live on Cripple Creek Drive in Quail Valley, Leon County. I have been hired to review extensive property documents in order to determine whether these landowners have a basis for suit.

Recently, lots across the street from my clients (but located in a different subdivision) have been sold to Richard and Elizabeth Albertson and Jason and Andrea Meadows. Unfortunately, the County has granted permits to both the Albertsons and the Meadows to cut down trees and install culverts and driveway connections on my clients' property. This was done despite the fact that my clients put the new lot owners on notice that it was illegal and they did not have their permission to cut trees or otherwise rearrange the topography of their property.

I should mention that this is not an easement by necessity situation. The new landowners have alternate ingress and egress via Charles Samuel Drive by virtue of easements reserved to them in their own deeds. Those deeds were prepared by attorney Terrence Dariotis, who immediately noticed that the Albertson and Meadows lots did not have legal access to Cripple Creek Drive. Therefore, he prepared their new deeds in such a way as to provide reciprocal easements across each lot allowing for ingress and egress to Charles Samuel Drive.

In the process of reviewing extensive property documents, I have uncovered a number of irregularities in the easement rights claimed by the new landowners, Albertson and Meadows. The easements being claimed by these new landowners are defective and in some cases, entirely non-existent. They do not, according to my review of the documents, have legitimate property rights to connect to Cripple Creek Drive, nor to cut down trees on my clients' property, nor to put in culverts on my clients' property nor to make a connection to Cripple Creek Drive across my clients' property.

Unfortunately, the County issued permits, despite being on notice of the true situation. I believe that the County staff was aware of the controversy and acted negligently in not referring this matter to its legal department for guidance before issuing permits for work on someone else's land.

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LEON COUNTY
ATTORNEY'S OFFICE

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As a result of the County's failure to ascertain the true situation, permits have been issued and considerable injury has already occurred. The County should not be in the business of granting people permission for clearing and constructing on other people's land. This could conceivably be considered a condemnation by the County for a private purpose, something that would clearly be repugnant to the constitution and give rise to liability. The County has a duty, like any honorable citizen, not to be a party to trespass.

I am writing to you in the hope that we can negotiate a resolution of this matter expeditiously that will allow these neighbors to live in peace with each other, without further incident. A cooperative mediating response from the County would be greatly appreciated so that this situation does not need to escalate.

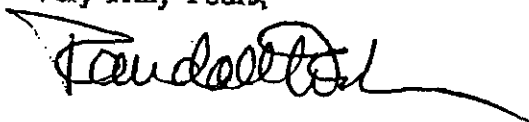
As a peaceful alternative to litigation, I would suggest that we promptly set up a meeting this week or early next week to discuss possible avenues of resolution. If you need more details about the complexities of the easement defects, I would be happy to send you a synopsis. For now, I am enclosing for your information, a draft settlement document that the Millses sent to the Albertsons which contains proposed conditions for an easement onto Cripple Creek Drive across their property. I believe that this draft document represents a good starting point for further discussions.

I believe that the County, having created this problem, has a responsibility to take corrective action. My clients are not seeking compensatory damages at this time, only the County's help in resolving this matter. Another possibility would be for the County to facilitate a mediation through the Neighborhood Justice Center.

The alternative is that my clients will be forced to file suit for declaratory, injunctive and other relief. At that time, they will have no choice but to include the County as a responsible party.

Please let me know the County's position as soon as you receive this letter.

Very Truly Yours,



Randall Denker

c/c: clients